

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

THE WEST VIRGINIA COALITION  
AGAINST DOMESTIC VIOLENCE, INC.,

Plaintiff,

v.

Civil Action No. 2:19-cv-00434

PATRICK J. MORRISEY,  
in his official capacity as  
Attorney General for the  
State of West Virginia

Defendant.

FINAL JUDGMENT ORDER

Pursuant to Rule 58(b)(2)(B) of the Federal Rules of Civil Procedure and in accordance with the Court's Memorandum Opinion and Order with respect to the parties' motions for summary judgment, entered August 31, 2023 (ECF No. 52), for the reasons set forth therein, it is ORDERED, ADJUDGED, and DECREED as follows:

1. Final judgment is hereby entered for Plaintiff, The West Virginia Coalition Against Domestic Violence, Inc., on Plaintiff's First Amendment Claim (Count I), as to West Virginia Code §§ 61-7-14(d)(2)(A) and 61-7-14(d)(2)(C).

2. Final judgment is hereby entered for Defendant Patrick J. Morrissey, in his official capacity as Attorney General of the State of West Virginia, on Plaintiff's as applied First Amendment Freedom of Association Claim (Count II).

3. Final judgment is hereby entered for Defendant Patrick J. Morrissey, in his official capacity as Attorney General of the State of West Virginia, on Plaintiff's as applied Fourteenth Amendment Substantive Due Process Claim (Count III).

4. Final judgment is hereby entered for Plaintiff, The West Virginia Coalition Against Domestic Violence, Inc., on Plaintiff's Void-for-Vagueness Claim (Count IV) as to West Virginia Code § 61-7-14(d) (2) (C).

5. Final judgment is hereby entered for Defendant Patrick J. Morrissey, in his official capacity as Attorney General of the State of West Virginia, on Plaintiff's Void-for-Vagueness Claim (Count IV) as to West Virginia Code §§ 61-7-14(d) (2) (A) and 61-7-14(d) (2) (B).

6. Plaintiff's request for declaratory relief is hereby granted to the extent that it is DECLARED that West Virginia Code §§ 61-7-14(d) (2) (A) and 61-7-14(d) (2) (C) facially violate the First Amendment to the United States Constitution,

are hereby severed from the remainder of the enactment of which those two subsections are a part, and are void.

7. Plaintiff's request for declaratory relief is hereby granted to the extent that it is DECLARED that West Virginia Code § 61-7-14(d) (2) (C) facially violates the procedural Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, is hereby severed from the remainder of the enactment of which that subsection is a part, and is void.

8. Plaintiff's request for injunctive relief is hereby granted to the extent that it is ORDERED that Defendant Attorney General of the State of West Virginia and his officers, agents, employees, representatives, and all persons acting in concert or participating with him, including Defendant's successors in office, are hereby permanently restrained and enjoined from enforcement of West Virginia Code §§ 61-7-14(d) (2) (A) and 61-7-14(d) (2) (C) .

9. Plaintiff may file a motion to recover its reasonable attorneys' fees and costs associated with this Final Judgement in this case, which motion and accompanying memorandum and exhibits shall be filed on or before October 3, 2023, to which the Attorney General shall respond on or before October


17, 2023, and any reply shall be filed on or before October 24, 2023.

10. This Court shall retain jurisdiction to enforce this Judgment.

IT IS SO ORDERED.

The Clerk is directed to transmit copies of this order to all counsel of record and any unrepresented parties.

ENTER: September 19, 2023

  
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John T. Copenhaver, Jr.  
Senior United States District Judge